



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
GREATER ATLANTIC REGIONAL FISHERIES OFFICE
55 Great Republic Drive
Gloucester, MA 01930-2276

MAR 18 2015

Shawn M. Garvin
Regional Administrator
U.S. Environmental Protection Agency, Region 3
1650 Arch Street
Philadelphia, PA 19103-2029

RE: NPDES Permit Application Technical Assistance, Delaware City Refinery (NPDES Permit No. DE0000256)

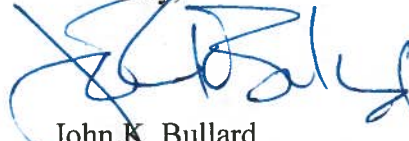
Dear Mr. Garvin,

I want to express my gratitude to your staff for their contribution to the ongoing collective streamlining efforts for the federal review process as it relates to the new Clean Water Act 316(b) Rule. We have finished our review of the draft NPDES permit for the Delaware City Refinery (DCR). Your offices have indicated the permit will be processed by the State of Delaware under the new Rule. We have a number of concerns with the proposed permit and have included recommendations regarding minimization, monitoring and reporting of adverse effects to species listed under the Endangered Species Act (ESA) under our jurisdiction, in our attached letter.

We understand the public comment period will close following the public hearing on March 24, 2015. Because this facility is located near important overwintering grounds for ESA listed shortnose sturgeon and provides passage and foraging habitat for ESA listed Atlantic sturgeon, it is very important that our recommended measures be incorporated into the proposed NPDES permit. Given we expect that the facility is likely to have more than minor detrimental impacts on listed species, we seek your agency's involvement in this matter and any assistance to my staff as well as to staff at the Delaware Department of Natural Resources and Environmental Control (DNREC) in ensuring that these important measures are incorporated into the proposed NPDES permit for the DCR.

Please review our comments and contact my staff referenced in the attached letter with any questions that you may have regarding this matter.

Sincerely,



John K. Bullard
Regional Administrator

